

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARLIN GIOVANNI PICKENS,

Plaintiff,

v.

JONATHAN MCNEELY et al,

Defendants.

CASE NO. 3:22-cv-05562-DGE

ORDER ADOPTING REPORT AND
RECOMMENDATION (DKT. NO.
5)

The Court, having reviewed the report and recommendation of Chief Magistrate Judge J. Richard Creatura (Dkt. No. 5), objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court ADOPTS the report and recommendation.
- (2) The matter is DISMISSED without prejudice and plaintiff's motion to proceed *in forma pauperis* is DENIED as moot.
- (3) The Clerk is directed to send copies of this order to Plaintiff and to the Hon. J. Richard Creatura.

1 Dated this 15th day of December, 2022

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4 David G. Estudillo
5 United States District Judge
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